

REMARKS

At the outset, the Applicant notes that the September Office Action states only the restriction requirement and does not refer to the rejections previously made in the Office Action mailed December 22, 2004. The Applicant takes this lack of reference to any rejections in the case as meaning that the rejections stated in the Office Action dated December 22, 2004, have been withdrawn. In this light the Applicant respectfully requests that the claims remaining in this case in view of this response be allowed without further delay.

The Applicant believes the restriction requirement between Groups I and II is improper and should be withdrawn for the reasons stated below. Therefore, the Applicant hereby respectfully requests reconsideration and withdrawal of the restriction requirement between Groups I and II. However, in accordance with 37 C.F.R. §1.143, the Applicant hereby provisionally elects Group I, claims 1-5 and 9-13, for prosecution in this application subject to the following request for reconsideration. In accordance with paragraph 5 of the Office Action, the Applicant elects claims 1-5 within Group I.

It is noted that the Applicant does not traverse the restriction requirement as to Groups III and IV and that claims in these groups are cancelled above without prejudice in view of the restriction as to Groups III and IV.

GROUPS I AND II ARE NOT PROPERLY RESTRICTED AS COMBINATION AND SUBCOMBINATION

The restriction as to groups I and II states that the inventions set out in those claim groups are related as combination and subcombination. As stated in the Office Action, inventions related as combination and subcombination are distinct (according to the M.P.E.P. §806.05(c)) if

1 it can be shown that (1) the combination as claimed does not require the particulars of the
2 subcombination as claimed for patentability, and that (2) the subcombination has utility by itself
3 or in other combinations. It is noted that both conditions (1) and (2) must be satisfied under the
4 M.P.E.P. rule. In making the restriction as to groups I and II, the Office Action stated that the
5 combination as claimed does not require the particulars of the subcombination as claimed
6 because the combination requires that the trigger group be pre-assembled. However, this
7 contention is not borne out in the claim language. Element (a) of claim 1 (Group I) requires
8 "assembling a number of trigger group components in a trigger group module" whereas element
9 (a) of claim 6 (Group II) requires "assembling a number of trigger group components in a module
10 housing to produce a pre-assembled trigger group module." In light of these claim requirements,
11 it is simply not the case that one of Groups I and II requires a pre-assembled trigger group while
12 the other does not. Both groups of claims specifically require assembling a trigger group module.
13 Thus, the rationale given in the Office Action for the restriction as to Groups I and II is clearly
14 incorrect.

15 For these reasons the Applicant believes the claims of Groups I and II should not be
16 restricted and that both groups of claims should be considered in the present application. The
17 Applicant therefore respectfully requests that the restriction as to Groups I and II be withdrawn.

18 THE NEW CLAIMS

19 New claims 23 through 32 are added in the above amendments. Claims 23 through 26
20 include generally limitations previously set out in claims 9 through 12, but are written to depend
21 from claim 1. Claims 27 through 30 similarly correspond to claims 9 through 12 but are written
22

1 to depend from claim 6. Independent claim 31 generally incorporates limitations from claims 1
2 and 9, while independent claim 32 generally incorporates limitations from claims 6 and 9.

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4 CONCLUSION

5 The Applicant respectfully requests reconsideration and withdrawal of the restriction
6 requirement between Groups I and II and requests that claims in both of these groups, claims 1
7 through 13, be considered in this application. Considering that the present Office Action
8 apparently withdraws the claim rejections previously stated in the Office Action of December 22,
9 2004, the Applicant respectfully submits that claims 1 through 13 are in condition for allowance
10 and should be allowed without further delay together with new claims 23 through 32.

11 Respectfully submitted,

12 The Culbertson Group, P.C.

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24 CERTIFICATE OF FACSIMILE

25 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax
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